

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ROBERT E. EATON, :  
 :  
 Petitioner, :  
 :  
 v. : Civ. Act. No. 07-281-JJF  
 :  
 PERRY PHELPS, :  
 Warden, and ATTORNEY :  
 GENERAL OF THE STATE :  
 OF DELAWARE, :  
 :  
 Respondents.<sup>1</sup> :

**O R D E R**

Petitioner has filed a third Motion For The Appointment Of Counsel because he started interferon injections in January and is suffering severe side effects. (D.I. 28.) The Court denied Petitioner's first Motion For The Appointment Of Counsel on July 23, 2007 after determining that his medical condition did not require the appointment of counsel at that point in time. (D.I. 9.) The Court denied Petitioner's second Motion For The Appointment Of Counsel on August 30, 2007 for the same reasons articulated in the Court's first Order. (D.I. 13.) After reviewing the record within the context of Petitioner's most recent assertion about his medical condition, the Court once again concludes that the "interests of justice" do not mandate the appointment of counsel for the same reasons stated in the

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<sup>1</sup>Warden Perry Phelps assumed office in January 2008, replacing Warden Thomas Carroll, an original party to this case. See Fed. R. Civ. P. 25(d)(1).

Court's Order dated July 23, 2007. See (D.I. 9.) Accordingly, Petitioner's Motion For The Appointment Of Counsel is **DENIED** without prejudice to renew. (D.I. 28.)

February 5, 2008  
DATE

Joseph D. Hanna  
UNITED STATES DISTRICT JUDGE